

COPY

in question

405
Box 68

NEW HAMPSHIRE LAW LIBRARY

SEP 03 1998

CONCORD, N.H.

1952

Mar. 31

Mr. Merrill J. Teulon
Industrial Director
State Planning and Development Commission
State House Annex

Dear Sir:

Under date of March 27, 1952, you have inquired if your Commission may carry insurance coverage on the New Hampshire building at the Eastern States Exposition. As to fire insurance, this question is answered in the affirmative; as to liability, in the negative.

The policy of the State in regard to insurance is expressed in the Laws of 1951, chapter 5, part 24, s. 1, as follows:

"Limitations. The funds of the state or any department or institution thereof shall not be used for providing for insurance of property owned by the state against loss by fire or other casualty or against claims by third parties; provided, however, that such insurance as may be specifically authorized by law shall be carried, and such insurance as may be approved by the governor and council shall be carried on elevators and high pressure steam boilers with a safety valve setting in excess of fifteen pounds pressure in connection with inspection."

Management of the state building at the Eastern States Exposition was made a responsibility of your Commission by Laws 1951, chapter 5, part 12. The commission theretofore established for the purpose of operating the building was abolished, and all "functions, powers, duties and records, property and personnel" of the abolished commission, as provided in R. L. c. 19, were transferred to your Commission. R. L. c. 19 was not repealed, except to the extent implied by the foregoing.

By section 3 of the chapter last cited the now defunct commission was authorized to rent the building for exposition purposes, "... and from income received pay ... a reasonable sum for insurance against loss

Mr. Merrill J. Teulon

-2-

March 31, 1952

by fire or other casualty . . .".

Insurance of the building against fire or other casualty, then, comes within the exception of Laws 1951, chapter 5, part 24, section 1, which permits the carrying of "such insurance as may be specifically carried by law". However, no specific authorization is found for the carrying of insurance against the claims of third parties; as to such insurance the prohibition of part 24, section 1 applies.

Very truly yours,

Warren E. Waters
Assistant Attorney General

WEW:RM